

JOHN B. RAMIL
PRESIDENT AND
CHIEF EXECUTIVE OFFICER

March 29, 2011

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

I write to express concern regarding the Commission's impending order on pole attachments. Though there are many issues of concern, as set forth in Tampa Electric Company's (our wholly owned electric utility's) prior submissions in this proceeding, this letter focuses on two specific issues: (1) treatment of ILECs as attachers with rights under section 224; and (2) pole top access for wireless antenna attachments.

Treatment of ILECs

For nearly a century, Tampa Electric Company has maintained joint use agreements with ILECs in its service area. Under these joint use agreements, the parties share the costs of pole ownership in their overlapping service areas for purposes of mutual cost-benefit. ILECs and electric utilities have constructed their overhead distribution systems to accommodate joint use by installing taller and stronger poles needed by either party solely for the provision of its own services. Any action by the Commission that grants ILECs rights as attachers under section 224 could impair these century-old infrastructure cost-sharing agreements and result in massive cost-shifting to Tampa Electric Company and its electric customers without any identifiable benefit to broadband deployment.

Pole Top Access

Tampa Electric Company allows wireless antenna attachments within the communications space on its poles, but prohibits third-party attachments on pole tops and elsewhere in the electric supply space. The fact that some

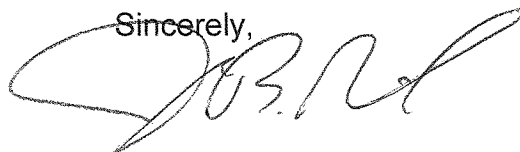
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utilities allow such attachments, or that the NESC contains specifications for such attachments, does not mean such attachments are appropriate or acceptable for all electric systems. The NESC is a minimum standard for third-party attachments in Florida. As part of the Florida Public Service Commission (FPSC) Storm Hardening Rules, an electric utility's third-party attachment standards (and its construction standards in general) are expected to *exceed* the NESC where appropriate for a specific system. Among the several purposes of the Storm Hardening Rules is "to increase the ability of transmission and distribution facilities to withstand extreme weather conditions; and reduce restoration costs and outage times to end-use customers associated with extreme weather conditions." Any action by the Commission that grants third-party attachers the right to attach at a specific *location* on a pole (as opposed to merely a right of access) would constitute unnecessary and unlawful interference with electric distribution system safety, reliability and engineering standards – matters squarely within FPSC jurisdiction.

If either or both of the above items are included in the draft pole attachments order, I urge the Commission to reconsider these concerns. TECO Energy believes that both items not only would run afoul of the language and intent of section 224, but also would constitute an unreasonable exercise of agency discretion. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "JBR", with a stylized flourish extending from the end.

John B. Ramil

JBR/sgf

cc: Commissioner Michael Copps
Commissioner Robert McDowell
Commissioner Meredith Atwell Baker
Commissioner Mignon Clyburn